



**Transcript for the June 25<sup>th</sup>, 2014, Webchat  
Nonimmigrant and Immigrant Visas**

Q. Dear Consular Officer, I'm planning to apply for B2 visa, I'm an Indian national been in the UK for over 10 years and I've been married to an EU citizen and have got a 2 year old baby as well. Both of them have been approved with ESTA and we are planning to visit Florida in September for 10 days. I was just wondering if there's anything special I need to take it with me at the time of an interview? We have got 4k savings but don't own a house yet, however we are planning to buy next year. We are both in full time employment. Many Thanks

A. There's no set type of evidence that you have to bring with you to an interview. If you wish to do so, you can bring bank statements with you, but you should note that the consular officer may not request to see any additional documents.

Q. I have a quick question about some future travel plans that I wondered if you were able to offer some advice on please? I am currently living in the USA with my wife. She is here on a J1 visa and I'm here on a J2 spouse visa. Our visa expires on the 20th March 2015 and we intend on going to a few countries in south america for 2 months after this time. The issue is that my british passport expires on the 27th july 2015 and as far as I can see, most south american countries require you to have 6months left on your passport. Is it possible for me to request a new british passport at the british embassy here in Denver and, if yes, what are the implications on my J2 visa status here in the USA? Will the USA visa be carried over to the new passport or will I have to re-apply? I hope your able to shed some light on this predicament as I can't find any help on your website about this. Thanks in advanced

A. We can't advise about the visa or passport requirements for other countries. If you wish to apply for a new British passport from the U.S. you should contact your nearest British Embassy or Consulate. Please note that it's not possible to transfer a U.S. visa to a new passport. However, if the visa is still valid, you can travel with your new passport and the old expired passport containing the valid visa.

Q. I am a US Citizen living in the UK with my British husband. We plan on spending the winter in the States - probably from November 2014 until April 2015. Can my husband, Gareth Hughes, get a visa for 5-6 months as we will enter the US and leave the US together. He does have his ESTA. Thank you for your help.

A. If your husband wishes to remain in the United States for more than 90 days, he'll need a visa. If he is travelling for tourism, a B-2 visa is appropriate. Information about applying is available from the Embassy website: <http://london.usembassy.gov/niv/apply.html>. At the time he applies, your husband will be required to demonstrate strong social, economic and financial ties outside the U.S. which would compel him to depart at the end of his authorized stay.

Q. My husband is on R1 visa and am on R2 visa and we are just arrived to the US two months ago . I have a 20yr old daughter who is presently schooling in Birmingham and we want her to come live with us on R2 visa. She is a step daughter to my husband and was actually BROUGHT up by my husband and grew up with us. 1)What SUPPORTING DOCS does she need to bring with



her to the embassy? 2) How long does it take to issue the R2 visa after the interview? Pls respond to each question ASAP.

A. If your daughter wishes to apply for an R2 visa as a dependent of your husband, information about doing so is available from the Embassy website. Your daughter should note that the R2 visa is only appropriate for spouses and children under the age of 21 of the principal applicant.

Q. hi my uncle is a U.S citizen and has been running his own business for many years in the states. He owns his own art gallery and i have also been into art in the UK for a few years now. He has requested for me to go to the states to work for him and to live their with him. Could you please inform me and assist me in how i can obtain a perminant visa to work in the U.S for him. Many thanks

A. If you wish to immigrate to the United States, you will require the appropriate immigrant visa: <http://london.usembassy.gov/immigrant-visas.html>. Please note that an uncle cannot file a petition for immigration, as they are not considered a qualifying relationship.

Q. I have been to America about fifteen years ago using my cousin visa, I was denied entry and sent back to Jamaica. i then came to the United Kingdom and have been living here for over fourteen years as a UK citizen. I am married with one son and a stepson, I am a home owner and working as a registered nurse. I have tryed applying for a visa last year november but I was refused. Could you let me know what i need to do to gain a visitors visa to go and visit my family? Thanks in advance

A. You are not prohibited from making an application for a visa at any time. Unfortunately, we can't provide case specific information during this chat, but if you have any questions about your refusal in November, you can contact the Embassy using our webform: [http://london.usembassy.gov/niv/contact\\_page.html](http://london.usembassy.gov/niv/contact_page.html)

Q. Hello. My boyfriend (UK Citizen) has an E2 visa and lives and works in Miami. I am in and out on an Esta as I am also a UK citizen. We want to be together but I am finding it very difficult to be sponsored through a job. I need to work as we are saving for our future. He is expected to stay for the next few years. What are my options? If we do get married how long does it take to obtain an E2 spouse visa/work permit from the UK? Thanks

A. If your unmarried partner is currently in the United States on an E-2 visa, you may be eligible to apply for a B-2 visa as his partner. Please note that you would not be permitted to work on the B-2 visa. Information for partners and common-law spouses is available from the Embassy website: <http://london.usembassy.gov/niv/niv-spouse.html>

Q. hello, i received a criminal conviction for death by careless driving in november 2012. I was driving a rapid response vehicle attending a 999 for the scottish ambulance service at the time. I am still employed by them as a paramedic. I would like to apply for a visa to enter the usa,alaska, via a cruise ship from vancouver between the months of may 2015 and july 2015. this would be a two week cruise,



A. We recommend that all applicants apply well in advance of their planned travel date. Applicants requiring a waiver of ineligibility can expect their application to take approximately 6 months to be processed. Your application will be adjudicated at the time of your interview by a consular officer, and you will be advised at that time of any ineligibilities which may be applicable in your case.

Q. Hope you can help me, I am UK citizen currently in the US on a tourist Visa, I have a friend who has a business here who has asked if i would be interested in working for him as a Manager of his Deli, to convert the business to a English theme and style of service, I understand that a labour certificate has to be applied for, should that be granted can i apply for a permanent residence card while in the US or do i need to apply to the London embassy

A. If you want to work in the U.S., an employment based visa is appropriate. Information about employment based visas is available from our website: <http://london.usembassy.gov/niv/work.html>. However, if you want to become a permanent resident, you'll need to apply for an immigrant visa before travelling to the United States.

Q. I want to apply lottery visa

A. Information about the DV lottery, including how to enter, is available from the Department of State website: <http://travel.state.gov/content/visas/english/immigrate/diversity-visa/entry.html>

Q. 40 years ago I received a borstal sentence for theft and deception. It was a very difficult period in my life and although I shield others I was convicted. This was a first offence and the last as I have not been in trouble with the law since then. Will this prevent me from immigrating to the USA as I have an opportunity to join my family there and start a new life. I now have a BSc (Hons) degree and a PhD.

A. If you have ever been arrested, cautioned or convicted, even if the offence has been expunged from your criminal record, you should obtain the appropriate visa before travelling to the United States

Q. We have got UK naturalisation certificates but not applied for British Passports yet. I hold Indian passport. Can we travel to USA for 2 week holiday (end of July to 2nd week of August) without British Pass port? How does this process work?

A. If you will travel to the United States on an Indian passport, you will require the appropriate visa before travelling to the U.S. Information about applying is available from the Embassy website: <http://london.usembassy.gov/niv/apply.html>

Q. Please can you tell me if we qualify for VWP or if we need to apply for ESTA's if two of our party had a conviction over 20yrs ago. We are a family of 9, 6 adults and 3 children under 7, and want to go to Disneyland. The info on the sites is a little confusing, thank you.

A. Anyone in your party with an arrest, caution or conviction will require a visa before travelling to the United States. The rest of your party, provided that they are otherwise qualified, may be



eligible to travel visa free under the Visa Waiver Program. We recommend that applicants apply well in advance of their planned travel, to avoid disappointment.

Q. Hello, I am a Chinese international student studying at U.S. right now. I am holding F-1 visa. May I ask whether I can renew my F-1 visa in U.K, and how long is the processing time? Thank you very much!

A. Yes, if you're physically present in the UK, you can apply for a visa at the Embassy in London. Remember, if you're applying in a country where you are not normally resident, you may find it difficult to demonstrate your strong social, economic and financial ties outside the United States. Check out our blog post on this matter, there's some useful info for applicants in your situation. <http://london.usembassy.gov/visablog.html>

Q. Dear Consular, i am international student in the united kingdom, i was issued B1/B2 visa in 2013 to enable me attend a conference, the visa is valid till 2015. I am planning to visit family on the visa before it expires, please can i do so?

A. The B1/B2 visa is valid for business and tourist travel. If you will travel for tourism and the visa is still valid, you can travel using your current visa. The final decision to admit or deny all travellers to the United States rests with Immigration officials at the port of entry.

Q. My 10 year B-2 travel Visa has just expired. I want to renew the VISA, do I have to apply for a new visa? Or is there a quicker way to get it renewed? It would prove quite costly to retrieve my ACRO Certificate and then pay for another VISA and visit London for another interview.

A. You would be required to make an entirely new application. Information about applying for a nonimmigrant visa is available from the Embassy website, <http://london.usembassy.gov/niv/apply.html>. You should be prepared to present a UK police certificate, issued within 6 months of the application.

Q. I have my (Immediate Relative) Visa interview booked for 15th July 2014. On the 19th June 2014 my wife gave birth to our 3rd child. He is not listed on my DS-260 form as he had not been born when I submitted it. Should I add him or will this cause a problem? He is due for registration as a US citizen born abroad on the 21st July.

A. No problem, at the time of your interview with the consular officer, you can advise them of the birth of your child.

Q. From Andrew Davies: At my visa interview , I was unable to be issued with a visa due to an old criminal record, but was recommended for a "waiver of ineligibility". It has been over 2 months now, and I still haven't heard anything, and I am due to depart on a family holiday in 3 weeks. Will I be allowed entry into the US with just my passport, if my visa hasn't arrived ?

A. Applicants requiring a waiver of ineligibility are advised that their application will take approximately 6 months to be processed. There is no way to expedite this time frame. Please note that you will not be permitted entry without the appropriate visa stamp in your passport.

Q. how do u no when esta has expired



A. The ESTA registration lasts for 2 years, or until your passport expires, whichever is sooner. If you entered your email address when you registered for ESTA, you should receive a reminder when your ESTA registration is about to expire.

Q. Hi, my wife and I hold B2 visas. Although they still have a long period until they expire (late 2022), I am interested to know if closer to that date we will have to re-apply for B2 Visas, considering the embassy now knows the details of why we required them in the first place. Is there a way to appeal in order to have the visa requirement removed so we can just get an ESTA? We had to get a visa due to being arrested only. Simply a case of wrong place, wrong time / mistaken identity etc. Thanks!

A. If you have been arrested, cautioned or convicted, you require a visa in order to travel to the United States. If you wish to travel to the United States after your visas have expired, you will be required to obtain new visas.

Q. i have a green card which i would like to hand back as i have left states and have no intention of returning to live or work, however i will be going on a family holiday next may and don't want extra problems. Please tell me what to do thanks

A. If you no longer reside in the United States and wish to return your Permanent Resident (Green) Card, you should file form I-407 with the U.S. Citizenship and Immigration Services (USCIS). Information about filing form I-407 is available from the Embassy website: <http://london.usembassy.gov/dhs/uscis/abandon.html>

Q. I received a caution in Oct 2008 for a minor issue not at all drug related. POLICE TOLD ME A CAUTION WILL NOT AFFECT MY TRAVELLING OR EMPLOYMENT OPPORTUNITIES AND AFTER 5 YEARS IT WILL COME OFF MY RE CORD. DO I NEED TO PUT YES ON MY ESTATE AS I AM NOT SURE PREVIOUSLY I HAVE PUT NO BECAUSE I HAVE NEVER BEEN CHANGED OR CONVICTED

A. The Rehabilitation of Offenders Act does not apply to U.S. visa law. You must declare all arrests, cautions or convictions when completing an ESTA registration or applying for a visa.

Q. Do I need a visa to arrive at JFK or Miami airports to get a connecting flight to San Paulo??? I am going on a Caribbean cruise with royal Caribbean. I have filled out a DS160 on line but don't know what happens next. Do I need to book an interview and pay a fee as I have a 3 criminal convictions ( one from April 1975 code 1861s.47 and one from February 1978 code 1968s.1 and one from 2008 code 1986s.5 (1) (a) Please can you help as cannot get any help over the telephone as it's all automated and places are getting booked on the cruise. Also I would like to visit Disney in the near future with my kids and need to know if I will ever be able to visit America.

A. If you have been arrested, cautioned or convicted, you will require a visa in order to travel to the United States; even if you will only transit the U.S. Information about applying for a visa is available from the Embassy website: <http://london.usembassy.gov/niv/apply.html>.

Q. Roughly how often do visa appointments become available?



A. Visa appointments are currently open through August 2014. The appointment booking system is a realtime calendar and cancellations do come up frequently.

Q. One of my friends has a caution for cannabis possession from 2006 and another has a caution for the same thing from 2009. The one from 2006 got a visitor visa with no problem and the one from 2009 was told he'd have to get a waiver and it would be months. I have a similar caution from last year. Will I need a waiver or will I be like my first friend? Is there any way to tell?

A. Each application is considered on its own merits. Your application would be adjudicated at the time of your interview with a consular officer. We always recommend that applicants apply well in advance, to avoid disappointment.

Q. Hi. We have an appointment scheduled for an L1 visa application, and L2 visa for my wife and kids. It is my understanding that children under 14 years do not need to attend this meeting - as they should qualify for the Personal Appearance Waiver. However when filling in their DS160's we were asked 'Are ALL the following statements about this child true' - one of which included 'has a visa with Clearance Received'. Our kids have never had a previous visa but all the other statements are true - so do they need to attend the interview? On the 'Confirmation and Instructions' we received it says for each child 'You must appear for an in-person interview'. Is this right?

A. If your children are under 14, they are not required to attend the Embassy. You can submit their applications at the time you attend to make your own application.

Q. It says on the embassy website that I have to pay for a visa before I apply for it and before the interview, what if I am ineligible for the one I have applied/paid for when it gets to the interview? Will I be refunded?

A. No, as explained on our website, the MRV fee is nonrefundable, regardless of the outcome of your application.

Q. On my non-immigrant visa do i have to give approximate dates as to when i want to go to US? My boss wants me to go sometime in October, however we can't really say an exact date until i receive my visa. Also how long does a non-immigrant visa last for? and i can i go a number of times within that period or would i have to apply for a visa for every single business trip to US?

A. When completing the DS-160, you can provide approximate travel dates. The visa can be valid for up to 10 years for British citizens.

Q. If I applied for a B2 tourist visa (even though I have an ETSA) - how would I go about doing this as you can not fill in the form online as I am a UK citizen. Thanks

A. If you want to apply for a B-2 visa, you are not prohibited from doing so. If you will apply in London, when completing the DS-160 application, you should select the post as "London, England".





Q. We applied for the DV visa and there was no I-134, not we recieved a letter with the appointment date and one of the things you are asking is for I-134, i don't have anyone to complete that for us, what should i do? Do we need or not?

A. If you have sufficient assets to support yourself in the United States, you can use the I-134 form to demonstrate your assets to the consular officer. Alternatively, you can attend the interview and discuss the matter with a consular officer, who will advise you if any additional documents are required to complete your case.

Q. I applied for a B1/B2 Visa back in 2006 and as i did not have a letter from my employer I was not able to be granted a visa. I let the application expire as i no longer needed the visa, it states in a letter "if you take no action to provide the information requested then your application will EXPIRE in 12 months". In 2011 i applied for a visa waiver and i recieved that fine. On entering the US virgin Islands i was detained, the result was they said i had been denied a visa back in 2006 and that this was one of the questions on applying for the waiver, which i had ticked never been denied a visa. Which i have not, so i can only imagine that when my visa application expired in 2006 they stamped it as denied. I was put back on the plane and sent back to Antigua where i came from. The problem now is on every entry into the states i am now detained in the customs for three hours because i have now been refused entry into the states from this visa misunderstanding ,please help me correct this .

A. If you applied for a visa and did not complete the application, your application would have been refused under section 221(g) of the Immigration and Nationality Act (INA). You are required to declare this refusal each time you register for ESTA or apply for a visa. As you have now been refused entry to the United States, you are no longer eligible to travel visa free and will always require a visa in order to travel to the U.S.

Q. My partner has been offered a Job within florida and we require some assistance on what the best visa is required to enable us to live in the US - We are currently living within the UK.

A. If he'll be working in the U.S., your partner will need an employment based visa. Info on work visas is available on our website: <http://london.usembassy.gov/niv/work.html> Remember, your partner's employer will need to file a petition for him with USCIS, which must be approved before he can apply for the visa

Q. Hello. Thank you in anticipation of answering my queries I have been approved for a waiver of ineligibility at my recent my interview Please can you advise me if the 6 month processing time for a waiver of ineligibility is a guide time or if it will definitely take this long? Is there any way at all to expedite the process to avoid cancelling travel that has already been booked and paid for? Also please can you advise whether when obtaining a new passport if the visa and waiver automatically transfers to the new one if the passport is issued within its validity period.

A. If you require a waiver or ineligibility, you should expect your application to take 6 months to be processed. There is no way to expedite this timeframe. If once the visa has been issued, you obtain a new passport, the visa can't be transferred, but you can travel with your new passport and the expired passport with the valid visa, provided that the visa is not clipped or damaged when the passport is cancelled.



Q. I have been offered a consultancy role within a firm based in Miami, I would like to gain a bit of knowledge and answers to every eventuality. This job has been offered on a consultancy basis – is there a specific number of hours one will have to work per week/month? Does the employer have to submit regular employee payment/tax evidence and if so to whom? If a visa is granted and stamped in a UK passport and the consultancy/job does not work out on both sides... what happens to the visa/immigration? What Visa would you advise in obtaining through this route of consultancy? What documentation is needed?

A. If you're going to work as a consultant in the U.S., you will need the appropriate employment based visa. The U.S. employer would be required to file a petition for you with USCIS, which must be approved before you can apply for the visa.

Q. Hi officer, this is my situation and my questions. 1) Came to US in year 2011 with L2 visa and change visa status to H1B in year 2011 itself. Currently US residents. 2) Recently renew H1-B and got approved until 2017. 3) Citizenship = Malaysia(TCN). My Question = 1) Am I qualified to apply visa application/interview at US embassy at London? 2) Is this application considered as my first H1-B petition or renewal for the visa application? 3) How long should I plan to stay in London for the whole process to complete before returning to US? Thanks!

A. You can apply for the visa at the Embassy in London provided that you are physically present in the UK. See our earlier answers for some info about applying in the UK if you are not normally resident here. You should be prepared to remain in the UK for the entire period of processing. Standard processing for a nonimmigrant visa is approx 5-7 working days, if your application will take longer, you'll be advised at the time of your interview. The Embassy cannot guarantee that a visa will be issued to any applicant by a specific date.

Q. Hello, I'm looking to visit the states this summer for employment. The starting date on my DS20-19 is today, however there are no visa appointments available at either embassy. I know you can't give a definite date but roughly how often are appointments likely to open up? Any help would be much appreciated.

A. If your DS-2019 start date is today, you'll need a new DS-2019 form before you can apply for the visa. You should contact your program sponsor to obtain a new form. If there are no appointments available you may wish to contact us directly using our contact form and we'll try to assist you further. [http://london.usembassy.gov/niv/contact\\_page.html](http://london.usembassy.gov/niv/contact_page.html)

Q. Hello, My mother is an american citizen but I was born in the UK, is it possible to apply for either dual citizenship or indefinite leave to reside in the us? She is a widower and I'd like to visit for extended periods of time in the future.

A. If your mother is a U.S. citizen, you may have a claim to citizenship through her. Information about claiming citizenship is available from the Embassy website: [http://london.usembassy.gov/cons\\_new/acs/passports/citizenship.html](http://london.usembassy.gov/cons_new/acs/passports/citizenship.html)

Q. Can a person with a criminal record get a VWP

A. A person with a criminal record will require the appropriate visa before travelling to the United States. If travelling for tourism, a B-2 visa would be appropriate.





Q. I have a 10 year B1/B2 visa but i want to sort out not having to be detained in customs everytime i enter. I got detained 3 times in the same week in the same airport, the guys at customs couldn't understand it, surely it would make sense to remove this "flag" of my passport. who can i contact??

A. If you are continually selected for secondary processing, you should contact the Department of Homeland Security (DHS) through their Travelers Redress Inquiry Program (TRIP). Contact info for DHS-TRIP is available from our website: <http://london.usembassy.gov/niv/index.html>

Q. I am a US citizen living in the UK for approx 10 years on ILR. My husband and I have decided to settle back in the US prior to our retirement in 2 years. I have sent a petition for 1-130. I have two questions if I may. What is the time frame for an 1-130 to be processed. Currently my husband works offshore and will continue to do this (hopefully) when our application for green card has been approved.. He will continue to work with his present employment and travel between work and to the US as this will be his permanent residence. We will be able to prove his income with P60's do, my query is, can we use his income as part of our affidavit of support

A. If you filed with the USCIS field office in London, they are currently processing petitions filed on or before May 12th 2014. You will be contacted as soon as your petition is approved. Your husband can expect to be contacted approximately 8 weeks after the approval date. If your husband will continue to receive income from the same employer, he may be able to use his income. He can submit documents at the time of his interview and allow the consular officer to determine.

Q. Dear Consular, I've just booked an appointment for 3rd week in July is it too early. we are planning to visit in Septemeber? Many Thanks

A. Nope, we recommend that you apply well in advance of your planned travel. You can apply for a visa at any time.

Thanks everyone, check back on our website soon for the transcript of this chat!